

§ 4003.34

§ 4003.34 Form and contents of request for reconsideration.

A request for reconsideration shall—

- (a) Be in writing;
- (b) Be clearly designated as a request for reconsideration;
- (c) Contain a statement of the grounds for reconsideration and the relief sought; and
- (d) Reference all pertinent information already in the possession of the PBGC and include any additional information believed to be relevant.

§ 4003.35 Final decision on request for reconsideration.

(a) Except as provided in paragraphs (a)(1) or (a)(2), final decisions on requests for reconsideration will be issued by the same department of the PBGC that issued the initial determination, by an official whose level of authority in that department is higher than that of the person who issued the initial determination.

(1) When an initial determination is issued by a Department Director, the Department Director (or an official designated by the Department Director) will issue the final decision on request for reconsideration of a determination other than one described in § 4003.1(b)(3)(ii).

(2) The Director (or an official designated by the Director) will issue the final decision on a request for reconsideration of a determination described in § 4003.1(b)(3)(ii).

(b) The final decision on a request for reconsideration shall be in writing, specify the relief granted, if any, state the reason(s) for the decision, and state that the person has exhausted his or her administrative remedies.

[61 FR 34012, July 1, 1996, as amended at 73 FR 38120, July 3, 2008]

Subpart D—Administrative Appeals

§ 4003.51 Who may appeal or participate in appeals.

Any person aggrieved by an initial determination to which this subpart applies may file an appeal. Any person who may be aggrieved by a decision under this subpart granting the relief requested in whole or in part may par-

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ticipate in the appeal in the manner provided in § 4003.57.

§ 4003.52 When to file.

Except as provided in §§ 4003.4 and 4003.5, an appeal under this subpart must be filed within 45 days after the date of the initial determination being appealed or, when administrative review includes a procedure in part 4903 of this chapter, by the date that is specified in the PBGC's notice of the right to request review.

[61 FR 34012, July 1, 1996, as amended at 75 FR 68205, Nov. 5, 2010]

§ 4003.53 Where to file.

An appeal or a request for an extension of time to appeal shall be submitted to the Appeals Board. See § 4000.4 of this chapter for additional information on where to file.

[61 FR 34012, July 1, 1996, as amended at 68 FR 61352, Oct. 28, 2003; 73 FR 38120, July 3, 2008]

§ 4003.54 Contents of appeal.

(a) An appeal shall—

- (1) Be in writing;
- (2) Be clearly designated as an appeal;
- (3) Specifically explain why PBGC's determination is wrong and the result the appellant is seeking;
- (4) Describe the relevant information the appellant believes is known by PBGC, and summarize any other information the appellant believes is relevant. It is important to include copies of any documentation that support the appellant's claim or the appellant's assertions about this information;
- (5) State whether the appellant desires to appear in person or through a representative before the Appeals Board; and
- (6) State whether the appellant desires to present witnesses to testify before the Appeals Board, and if so, state why the presence of witnesses will further the decision-making process.

(b) In any case where the appellant believes that another person may be aggrieved if the PBGC grants the relief sought, the appeal shall also include